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II. BOOK REVIEWS.

LEGAL ESSAYS. By James Bradley Thayer. Boston: The Boston Book Company. 1908. pp. xvi, 402. 8vo.

This is a valuable volume. It is composed of essays heretofore scattered in the *HARVARD LAW REVIEW* and elsewhere. A mere mention of the names of some of them will remind many persons of their unusually fine quality, for here one finds again *The Origin and Scope of the American Doctrine of Constitutional Law*; *Advisory Opinions*; *Legal Tender*; *A People without Law (The Indians)*; *Gelpcke v. Dubuque (Federal and State Decisions)*; and *Our New Possessions*. The other essays, though not so well known, are of similar quality: *International Usages*; *Dicey's Law of the English Constitution*; *Bedingfield's Case (Declarations as Part of the Res Gesta)*; *Law and Logic*; *A Chapter of Legal History in Massachusetts*; *Trial by Jury of Things Supernatural*; *Bracton's Note Book*; and *The Teaching of English Law at Universities*.

In almost every line that Professor Thayer wrote there is a certain literary quality. However technical the subject may be, his mode of dealing with it gives side lights from other topics by way of illustration or analogy or distant allusion; and those other topics cover a wide range. Shakespeare and Wordsworth here touch elbows with the Anglo-Saxon Laws of King Aethelbirht, the Year Books, Coke, Hale, Holt, Blackstone, Bentham, Sir Henry Maine, Marshall, the Dawes Bill, and the latest treaty with Spain — and all to good purpose. Surely no one has written of the law more entertainingly or more soundly. Hence this volume, though composed of what its author would have deemed fragments, may be expected to take a permanent place in legal literature, and to be read over and over again by all lawyers who find a charm in excellence of form and of substance.

No one will read the volume without regretting that the author did not find time to cover the whole of the two subjects — *Constitutional Law and Evidence* — with which his writing was principally concerned. His *Preliminary Treatise on the Law of Evidence* is by the present volume supplemented to only a slight extent — chiefly as to *res gesta*. His short volume on John Marshall happily contained a discussion of the chief early cases on constitutional law and gave an indication of Professor Thayer's mode of approaching many parts of that subject. The present volume gives an enlarged treatment of several topics in constitutional law and shows how much the profession has lost by the author's inability to finish the treatise that he had planned. Here is preserved his valuable demonstration of the historical reasons for the existence of the judicial power to treat as nullities the unconstitutional acts of legislative bodies — the essential peculiarity of American institutions. Here, too, is the explanation of the limits usually observed by the courts in exercising this power. Here is the conclusive presentation, historical and analytical, of the non-judicial nature of advisory opinions. Here is the discussion of the power of Congress to issue legal tender money, leading up to the conclusion that this power is incident to the borrowing power of a nation. Here too is the demonstration that the acquiring and governing of remote possessions, however questionable from the point of view of statesmanship, cannot be deemed unconstitutional. Yet why specify further? On every page one sees the work of a master, whose originality was matched by his learning and whose gracefulness of expression was equalled by his good sense.

E. W.

A TRUSTEE'S HANDBOOK. By Augustus Peabody Loring. Third Edition. Boston: Little, Brown and Company. 1907. pp. xxxvi, 224. 12mo.

Although the two previous editions of this work were both of comparatively recent date, yet, as the preface to the third edition explains, "the numerous